

UNITED STATES DISTRICT COURT  
for the

Western District of North Carolina

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of  the defendant  the Director of the Bureau of Prisons  the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is:

DENIED.     GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 124 months is reduced to 100 months.

## **I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: 33 Amended Offense Level: 31  
Criminal History Category: VI Criminal History Category: VI  
Previous Guideline Range: 235 to 293 months Amended Guideline Range: 188 to 235 months

## II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- The reduced sentence is within the amended guideline range.
  - The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
  - Other (explain): The defendant was originally sentenced to 160 months confinement on 6/25/02. On 7/19/07, pursuant to Rule 35, he was re-sentenced to 124 months confinement.

### III. ADDITIONAL COMMENTS

Upon release from imprisonment, and absent a residential plan accepted by the U.S. Probation Officer prior to release from incarceration, it is ordered that as a condition of supervised release the defendant shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the U.S. Probation Officer.

Except as provided above, all provisions of the judgment dated 7/19/07 shall remain in effect.

**IT IS SO ORDERED.**

Order Date: December 30, 2008

Effective Date: \_\_\_\_\_  
(if different from order date)

*LHShaf*

Lacy H. Thornburg  
United States District Judge

